IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 18182 of 2005

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Date: 18.08.2005

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Between:

Acharya Nagarjuna University, Nagarjunanagar,
Guntur District.
rep by its Register.

PETITIONER

Vs.

1 The Assistant Provident Fund Commissioner
(Authority U/s 74 of the EPF and MP Act 1952)
Employees Provident fund Organisation,
Regional Officer, Ashoknagar, 3rd Lane, Guntur and another

RESPONDENT

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 18182 of 2005

ORDER:

This writ petition is filed by the petitioner-University assailing the proceedings of the first respondent dated 22.07.2005 under which, it was stated that the benefits of the Employees Provident Funds & Miscellaneous Act, 1952 (for short 'the Act') would be applicable to the NMR workers of the petitioner – University and the assessments would be framed basing on the information furnished by the Registrar of the University.

2. The petitioner - University questions the very jurisdiction of the first respondent alleging that the provisions of the Act have no application to it as well as to its employees, as they are governed by a regular scheme of Provident Fund. In terms of Section 16(1)(c) of the Act, the petitioner is exempted from the provisions of the Act, therefore the first respondent has no jurisdiction to pass the impugned order.

3. On the other hand, learned counsel for the first respondent contended that a remedy of appeal is available to the petitioner before the appellate Tribunal under Section 7(I) of the Act. Therefore, the writ petition itself is not maintainable before

this Court.

4. Under the above circumstances, without going into the merits and contentions of the case, the writ petition is disposed of with a liberty to the petitioner to approach the appellate authority by filing appropriate appeal, within a period of four weeks from today, since the petitioner has already got sufficient time to file appeal against the proceedings of the first respondent dated 22.07.2005. No order as to costs.

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S. Ananda Reddy, J

Date: 18.08.2005

Note: Furnish CC in 3 days

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